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S E C R E T SECTION 01 OF 02 BAGHDAD 004341

SIPDIS

CIA PASS TO SPECIAL ASSISTANT TO THE DIRECTOR FOR WAR CRIMES

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SUBJECT: SADDAM TRIAL DEFENSE COUNSEL KILLED

Classified By: Charge d,Affaires David Satterfield for reasons 1.4 (b) and (d).

¶11. (S) SUMMARY: Sa'adoun Sughaiyer al-Janabi, defense counsel for Awad Al-Bandar (Black Lister Number 84) was found dead at Firdos Mosque in the Ur section of Baghdad on 20 October 2005 after his abduction the evening before. According to preliminary reports from his son and wife, there were signs of torture. He was shot four times: twice in the head and twice in the chest. In response, Dr. Laith Kubba of the Office of the Prime Minister and Deputy Minister of Interior Ali Ghalib pledged the full support of the GOI as the Higher Criminal Court of Iraq (HCCI) continues to make appropriate security arrangements with defense counsel. END SUMMARY.

ATTORNEY ABDUCTED FROM HIS OFFICE

¶12. (S) Sa'adoun was kidnapped from his office in the Al-Wafa Building in Al Shab City in Baghdad at approximately 2000 local time on Thursday, 20 October.

¶13. (S) According to an Iraqi government official, shortly before the abduction, a blue Kia Sofia with a man wearing a blue suit and no tie was parked in front of Sa'adoun's office. The man from the Kia then entered the office building. Within 3-5 minutes, 20 gunmen (18 of whom were masked) drove up in two Toyota pick-up trucks, blocked the road, and threatened to shoot any passersby who interfered. Two unmasked gunmen -- one clean-shaven, one lightly bearded -- entered the building and reemerged with Sa'adoun, handcuffed.

¶14. (S) An HCCI official and a Regime Crimes Liaison's Office (RCLO) consultant spoke with Sa'adoun's wife and two sons shortly after the abduction. The older son, Salam, is a Major in the Ministry of Interior (MOI) Intelligence Department. His immediate superior is Hassan Ali Kemal. Salam claims that the family does not have enemies but that he had received threats because of his work with the MOI. Salam said that the abduction took about ten to twelve minutes. (NOTE: Salam got his information from a dentist who has a clinic in the Al-Wafa Building; the dentist called the family on Sa'adoun's phone, which had been left behind. END NOTE.) Salam received a call from his family and went with members of MOI Police to Sa'adoun's office, where they spoke to two people. One was a client of Sa'adoun named Moyed (NFI), who lives near the office. He said that the gunmen arrived in two Toyota pickup trucks, armed with AK-47s and Glocks. Eight of the gunmen went into the law office, according to Moyed, and one of them had a limp. Moyed added that one of the gunmen whipped Sa'adoun with a pistol and put Sa'adoun (blindfolded) in one pickup and his briefcase in the other. Salam said that nothing was taken from the office.

SA'ADOUN EXECUTED WITHIN 30 MINUTES OF ABDUCTION

¶15. (S) According to Salam, Sa'adoun's body was found at 2030 on 20 October. Salam reported that the corpse was found in a location "near where executed persons" have been found in the past. Salam added that he believes Sa'adoun was killed by a "terrorist group."

¶16. (S) On 21 October the body of Sa'adoun Al-Janabi was brought to the Forensic Medicine Institute. The people who brought the body said that it was found at the Firdos Mosque in the Ur neighborhood of Baghdad. (NOTE. This is not the mosque in Firdos Square. END NOTE.) An HCCI official has told us that this mosque is known as a Wahhabi mosque. The body had at least four bullet wounds, two in the head and two in the heart. There were signs of torture, and the handcuffs were still on his wrists. All of his papers and other personal effects were taken from him. (NOTE. This is information directly from the son and not corroborated at this point. END NOTE.)

BACKGROUND ON SA'ADOUN

¶17. (S) Sa'adoun's home address is al-Maghrib Street, Lane

306, House 16, Street 23, in the Al Adamiyah section of Baghdad, near the Khayal Hospital.

¶8. (S) Sa'adoun, a Sunni, was the former mayor of Diyala. According to a GOI official, he was also a member of the Intelligence Office in Diyala and was a Branch Member of the Ba'ath Party. He was co-counsel to Awad Hamed Al-Bandar. Al-Bandar's other attorney is Al-Bandar's own son, Badr Awad Hamed Al-Bandar. Sa'adoun was the defense counsel chosen by the other defense attorneys to make a five-minute presentation of the defense objections. During the trial he was sitting in the front row of defense counsel in the seat closest to the judges. He had agreed that his face could appear on camera.

HCCI, GOI, AND RCLO CONTACT WITH COUNSEL'S FAMILY

¶9. (S) Several RCLO personnel have remained in contact with Sa'adoun's wife and son since the abduction and killing. Both the Regime Crimes Liaison (RCL) and Ali Shaker, the HCCI Administrator, have spoken personally with Sa'adoun's son, Salam, expressing sympathies of the USG and the HCCI.

¶10. (S) On 21 October, Dr. Laith Kubba of the Office of the Prime Minister spoke directly with Salam to express his condolences and pledge the full support of the GOI.

HCCI, GOI, AND RCLO RESPONSE

¶11. (S) The HCCI and the GOI have agreed to take a number of actions urged by RCLO. According to Kubba, the GOI will issue a press release stating that it condemns the killing and pledging increased security for all HCCI participants. Kubba stated to the RCL that the GOI is standing by to assist with security measures as the HCCI contacts defense counsel to determine their preferences.

¶12. (S) According to Ali Shaker, the HCCI also will issue a statement condemning the killing and emphasizing the crucial role played by defense counsel.

¶13. (S) At a meeting attended by Ali Shaker and the RCL, Deputy Minister of Interior Ali Ghalib stated, correctly, that the defense counsel had not asked the MOI or the HCCI for protection and that Sa'adoun had not taken steps to protect himself. Ali Ghalib pledged the full support of MOI to protect defense counsel. He said that MOI would provide security for defense counsel homes and would provide transportation, as requested.

¶14. (S) Ali Shaker told Ali Ghalib that the HCCI would contact each defense attorney and determine whether the attorney would accept MOI protection.

¶15. (S) With respect to the planned Sunday, 23 October HCCI proceeding involving the interview of a witness, the HCCI stated that it will provide additional security for defense counsel and the hearing will proceed.

Satterfield